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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,330	09/06/2000	Kenneth Alan Fischburg	3594-04	9086

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EXAMINER

THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,330

Applicant(s)

FISCHBURG, KENNETH ALAN

Examiner

Forest Thompson Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/15/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The declaration filed on 03/15/2004 has been considered but is ineffective to overcome the Mikurak (U.S. Patent No. 6,606,744) reference.

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Mikurak reference to either a constructive reduction to practice or an actual reduction to practice.

The evidence submitted is insufficient to establish applicant's alleged actual reduction to practice of the invention in this country or a NAFTA or WTO member country after the effective date of the Mikurak reference.

Additionally, prior art has been identified that, in combination with the references of Escallon, Blinn et al., Franklin et al., and old and well known art identified in the rejection below, is prior art to applicant's application. In the event that Mikurak is overcome by applicant as a prior art reference, Blinn et al. (U.S. Patent No. 6,058,373) will combined with the other references to disclose applicant's instant invention.

2. Therefore, this action repeats the rejection of Paper #4 for claims 1-21.

Claim Rejections - 35 USC § 102

3. Claims 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Mikurak (U.S. Patent No. 6,606,744).

Claim 19: Mikurak discloses:

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- establishing a connection between a processor of at least one of the client systems, and one of the servers (Abstract; col. 274 lines 66-67);
- accessing a particular one of the web sites causing the server to download to the connected processor of the client system a web page, from which a user can order a plurality of different goods, the web page being viewable on the display by a user (fig. 53 [5318]; col. 173 lines 29-35; col. 274 line 65 – col. 275 line 26);
- customizing an order form, operative with the web site, to a particular procurement process of the user by inventorying a facility of the user, auditing the user's procurement records and querying the user's personnel involved with the procurement process to determine the user's procurement process (col. 131 lines 29-55);
- using the input means to enter an identification protocol unique to the user, thereby causing the order form to be downloaded from the web site to the connected processor, and be viewable on the display (col. 131 lines 29-55; col. 131);
- using the input means to electronically fill in the customized order form, identifying goods to be purchased (col. 229 line 58 – col. 230 line 11); and
- causing the processor of the connected client system to submit the electronically filled in order form to the server (col. 229 line 58 – col. 230 line 11).

Claim 21: Mikurak discloses:

- inputting data indicative of the procurement process of the user into a content database (col. 2 lines 41-51);
- *developing a flow chart of the steps involved in the user's procurement process* (col. 15 lines 51-64);

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- *This process allows users of WAF to recast existing control information and/or add new control information as necessary (including the elimination of no longer required elements) (col. 169 line 67 – col. 170 line 3).*

Claim Rejections - 35 USC § 103

4. Claims 1, 5-9, 15-17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escallon (U.S. Patent No. 5,799,157), and further in view of Mikurak (U.S. Patent No. 6,606,744).

Claims 1, 15: Escallon discloses:

- storing an electronic order form in the memory, the order form being unique to the user, and operative with the computer program and the content database, such that the order form lists goods that meet the requirements of the specific procurement process of the user (Abstract; col. 3 lines 21-27; col. 4 lines 15-59);
- displaying the electronic order form as a web page on the web site in response to the identification signals identifying the user, and receiving order signals from the user through the communications device indicative of filling in an order on the order form (Abstract; col. 3 lines 21-27; col. 4 lines 15-59); and
- processing the order (Abstract; col. 4 lines 15-59).

Escallon does not explicitly disclose determining the user's specific procurement process; inputting data indicative of the procurement process of the user into a content database; hosting a web site operative with the computer program and the content

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database, the web site being accessible via the internet through a communications device; eliminating unrequired steps in the procurement process revealed in the flow chart; accessing the content database through the web site; nor using a security protocol for identifying the user in response to the user accessing the web site by providing identification signals thereto unique to the user, the identification signals cooperating with the security protocol. However, Mikurak discloses:

- determining the user's specific procurement process (col. 2 lines 41-51; col. 15 lines 51-64);
- inputting data indicative of the procurement process of the user into a content database (col. 2 lines 41-51);
- *developing a flow chart of the steps involved in the user's procurement process* (col. 15 lines 51-64);
- *This process allows users of WAF to recast existing control information and/or add new control information as necessary (including the elimination of no longer required elements)* (col. 169 line 67 – col. 170 line 3)
- hosting a web site operative with the computer program and the content database, the web site being accessible via the Internet through a communications device (col. 31 lines 21-30; col. 112 lines 47-65);
- accessing the content database through the web site (col. 31 lines 21-30);
- using the input means to enter an identification protocol unique to the user, thereby causing the order form to be downloaded from the web site to the connected processor, and be viewable on the display (col. 131 lines 29-55; col. 131);

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- displaying the electronic order form unique to the user as a web page on the web site in response to the identification signals identifying the user (col. 131 lines 29-55; col. 131),
- using the input means to electronically fill in the customized order form, identifying goods to be purchased (col. 229 line 58 – col. 230 line 11); and
- listing a portion of the goods contained in the content database and indicative of the procurement process on the order form (col. 91 lines 17-43; col. 230 lines 4-11);
- using a security protocol for identifying the user in response to the user accessing the web site by providing identification signals thereto unique to the user, the identification signals cooperating with the security protocol (col. 31 lines 10-20).

Therefore, it would have obvious to one skilled in the art at the time the invention was made to modify the disclosure of Escallon to explicitly host a web site operative with the computer program and the content database, the web site being accessible via the internet through a communications device, developing a flow chart of the steps involved in the user's procurement process, eliminating unrequired steps in the procurement process revealed in the flow chart, access the content database through the web site, list a portion of the goods contained in the content database and indicative of the procurement process on the order form, and use a security protocol for identifying the user in response to the user accessing the web site by providing identification signals thereto unique to the user, the identification signals cooperating with the security protocol, as disclosed by Mikurak, for the motivation of ordering goods in a processor based system.

Claim 5: Escallon discloses developing a flow chart of the steps involved in the user's procurement process (Fig. 2; Fig. 3).

Claim 6: Escallon does not specifically disclose eliminating unrequired steps in the procurement process revealed in the flow chart. However, Mikurak discloses *This process allows users of WAF to recast existing control information and/or add new control information as necessary (including the elimination of no longer required elements)* (col. 169 line 67 – col. 170 line 3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Escallon to explicitly disclose eliminating unrequired steps in the procurement process, as disclosed by Mikurak, for the motivation of ordering goods in a processor based system.

Claims 7, 16: Escallon discloses displaying a web page of the web site indicative of specifications and information of goods accessed from the database (col. 4 lines 15-43).

Claims 8, 17: Escallon discloses displaying a web page of the web site indicative of information on new goods accessed from the database based on a new goods search conducted by the user (col. 4 lines 15-20).

Claim 9: Escallon discloses the user modifying the order form (col. 4 lines 15-43).

Claim 20: Mikurak does not explicitly teach developing a flow chart of the steps involved in the user's procurement process. However, Escallon discloses developing a

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flow chart of the steps involved in the user's procurement process (Fig. 2; Fig. 3).

Escallon does not specifically disclose eliminating unrequired steps in the procurement process revealed in the flow chart. However, Mikurak discloses *This process allows users of WAF to recast existing control information and/or add new control information as necessary (including the elimination of no longer required elements)* (col. 169 line 67 – col. 170 line 3). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Mikurak to explicitly disclose eliminating unrequired steps in the procurement process, as disclosed by Escallon, for the motivation of ordering goods in a processor based system.

5. Claims 2-4, 10-11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escallon (U.S. Patent No. 5,799,157), and further in view of Mikurak (U.S. Patent No. 6,606,744) and Official Notice.

Claims 2, 3, 4: Escallon does not specifically disclose determining further includes inventorying a facility of the user, auditing the user's procurement records, nor querying the user's personnel involved with the procurement process. However, Escallon does disclose:

- the invention novelly provides a system for creating a system for the presentation of information in a relational environment to front end client computers, for selectively viewing, accessing and manipulating such data, and selectively formulating transaction

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requests based upon such data for transmission to the transaction management system 200 for execution (col. 4 lines 45-51); and

- the use of databases to hold data that is used in the interactive electronic systems to present information and execute transactions (col. 6 lines 3-30).

Additionally, Mikurak discloses (col. 229 lines 16-42):

This technique filters the information or content displayed to the user based on what is entered by, or known about the user. Many personalized sites use some form of content filtering. A variety of different filtering techniques have emerged. Some are adaptations of traditional client/server techniques adapted to the Web. In the first grouping of techniques presented here, the user controls how the information is filtered.

- *User-controlled, explicit content filtering. Techniques in this category enable the user to filter data or content.*

- *Personalized Information. Allows the user to see information specific to them.*

The content in this case may be information about the user's profile, about products they have or a past order history. This technique allows the user to filter the data by building `where clause` statement or execute `canned` queries. It is often used when the user is familiar with the data and wishes to organize or filter it in multiple ways.

- *User-controlled, implicit content filtering.*
- *Collaborative filtering. Collaborative filtering determines clusters of users with similar interests, either by asking users explicitly or by observing user*

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selections and actions to determine those interests implicitly. This is an effective technique for creating recommendations for products.

Additionally, Official Notice is taken that the operation of an on-line service provider that provides procurement/sales services to users includes the requirement that the user's capabilities to deliver orders and means for accessing, ordering and satisfying the demands of users, as required by each user, must be identified. The success or failure of the on-line service provider is greatly influenced by such capabilities. Users use procurement/sales services that satisfy their business requirements and promote their profitability. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Escallon to explicitly inventory a facility of the user, audit the user's procurement records, and query the user's personnel involved with the procurement process, as disclosed Mikurak and by old and well known art, for the motivation of ordering goods in a processor based system.

Claims 10, 11, 18: Escallon does not specifically disclose subjecting the order to review by a supervisor, nor the supervisor is one of a personnel of the user and a personnel of a provider of the web site. However, Official Notice is taken that supervisors often require that orders be presented to them by employees of a company or service provider for review and approval before being sent out of the organization. This is an aspect of companies or service providers attempting to control budgetary expenditures and/or to achieve economy of action. Therefore, it would have been

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obvious to one skilled in the art at the time the invention was made to modify the disclosure of Escallon to explicitly subject the order to review by a supervisor and the supervisor is one of a personnel of the user and a personnel of a provider of the web site, as disclosed by old and well known art, for the motivation of ordering goods in a processor based system.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Escallon (U.S. Patent No. 5,799,157), and further in view of Mikurak (U.S. Patent No. 6,606,744), Blinn et al. (U.S. Patent No. 5,897,622), and Official Notice.

Claim 12. Neither Escallon nor Mikurak explicitly discloses displaying a confirmation message, including a confirmation number. Blinn et al. discloses displaying a confirmation message (col. 8 lines 9- Claim 11; col. 9 lines 24-29). Blinn et al. does not explicitly disclose including a confirmation number. However, Official Notice is taken that the use of confirmation numbers was old and well known in the art at the time the invention was made. This provided a simple way for an on-line service provider to provide an identification for reference to the user and his order. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of Escallon and Mikurak to explicitly display a confirmation message, including a confirmation number, as disclosed by Blinn et al. and old and well known art, for the motivation of ordering goods in a processor based system.

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7. Claims 13 and 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Escallon (U.S. Patent No. 5,799,157), and further in view of Mikurak (U.S. Patent No. 6,606,744), Franklin et al. (U.S. Patent No. 6,125,352).

Claim 13. Neither Escallon nor Mikurak explicitly discloses at least one of side by side comparisons of a plurality of goods, good prices, features of goods, benefits of goods, applications of goods, information on competitive goods, goods lead times, material safety data sheets of goods, pictures of goods and current procurement data. However, Franklin et al. discloses at least one of side by side comparisons of a plurality of goods, good prices, features of goods, benefits of goods, applications of goods, information on competitive goods, goods lead times, material safety data sheets of goods, pictures of goods and current procurement data (col. 2 line 54 – col. 3 line22). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosures of Escallon and Mikurak to explicitly disclose at least one of side by side comparisons of a plurality of goods, good prices, features of goods, benefits of goods, applications of goods, information on competitive goods, goods lead times, material safety data sheets of goods, pictures of goods and current procurement data, as disclosed by Franklin et al., for the motivation of ordering goods in a processor based system.

Claim 14. Escallon does not explicitly disclose the current procurement data further comprises one of a history of ordering and usage, and an accounts receivable

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summary. However, Franklin et al. discloses the current procurement data further comprises one of a history of ordering and usage, and an accounts receivable summary (col. 14 lines 11-13; col. 21 lines 44-56). Additionally, Mikurak discloses *The content in this case may be information about the user's profile, about products they have or a past order history* (col. 229 lines 29-31). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the disclosure of Escallon to explicitly disclose the current procurement data further comprises one of a history of ordering and usage, and an accounts receivable summary, as disclosed by the combination of Franklin et al. and Mikurak, for the motivation of ordering goods in a processor based system.

Response to Arguments

8. Applicant's arguments filed 03/15/2004 have been fully considered but they are not persuasive. Applicant argues that Mikurak is not an adequate/eligible reference since applicant has sworn behind it in Paper #6. Examiner does not accept applicants' arguments because applicants' CFR 1.131 response does not satisfy requirements as stated above (see section 1 above). The rejection presented in Paper #4 is maintained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

- Blinn et al. (U.S. Patent No. 6,058,373) that teaches a method and system for processing electronic sales transactions. In a preferred embodiment, an electronic merchandising system allows merchants to create electronic orders which are easily adaptable for different sales situations. .

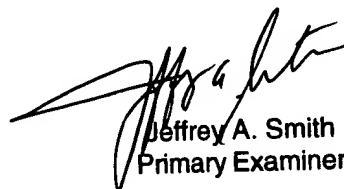
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FT 
27 May 2004


Jeffrey A. Smith
Primary Examiner